

## Suspension of USAREUR Driving Privileges, by Jim Wiley

No one wants it to happen, but sometimes bad choices or actions on the part of a driver can result in suspension or revocation of USAREUR driving privileges. Army in Europe Regulation (AER) 190-1, Chapter 2, governs suspension and revocation of driving privileges.

The following individuals are authorized to take action under the regulation:

—**Suspending Authority** — An officer or civilian equivalent immediately senior to the licensee in the chain of command or an officer who has been designated by the commander (O-4 or above, but normally the company commander) to act as suspending authority for a unit or organization.

—**Revoking Authority** — An officer (O4 or above) or GS-12 (or equivalent) civilian supervisor, next above the suspending authority in the chain of command of the licensee. If a commander has designated an O4 or GS-12 (or equivalent) to act as suspending authority for a unit, organization, or group of people, the commander will be the revoking authority. This is the individual with the authority to declare a person ineligible for a certificate of license. However, a civilian revoking authority generally will not revoke the privileges of service members or their family members.

Revocations are mandatory, take effect immediately, and remain in effect indefinitely. The period of revocation begins on the date the license is confiscated. Offenses requiring mandatory revocation are listed in AER 190-1, paragraphs 2-15a and 2-15b. Revocation is mandatory for, among other things, refusing to take or complete a chemical test under implied

consent provisions or driving a motor vehicle with a blood alcohol content in excess of those allowed under applicable law or regulation.

Suspensions are discretionary or mandatory and the length of the suspension varies with the cause. A discretionary suspension (AER 190-1, paragraph 2-14a) may be assessed to evaluate a person's driving skills, for numerous regulatory violations, for the display of a lack of good judgment with respect to operating a motor vehicle, or because of misconduct. A mandatory suspension (AER 190-1, paragraph 2-14b) will be assessed for incidents involving a failure to wear a seatbelt, reckless driving, failure to comply with regulatory requirements, accumulation of traffic points, or operating a motor vehicle while under the influence.

Notwithstanding the above, host nation civil authorities may likewise prohibit U.S. personnel from operating motor vehicles. Upon receipt of such a report, the USAREUR Registrar will suspend or revoke a person's driving privileges.

Commanders and supervisors will inform subordinates in writing of actions taken to declare them ineligible for a license or to suspend or revoke their driving privileges. Commander's should use AE Form 190-1L, Commander's Notice, to accomplish this. USAREUR Commanders and supervisors will use DA Form 4833 or AE Form 190-1K (Report of Administrative Action) to inform the USAREUR Registrar of actions taken with respect to an individual's license or driving privileges.

In addition to the *formal* requirements associated with the suspension or revocation of an individual's driving

privileges in USAREUR, a commander or other person in a position of authority may order a service member not to drive if he or she believes that an inherently unsafe act may be prevented by such an order. Any order issued must have a valid military purpose and must not otherwise be prohibited by law or regulation. An order not to drive, once issued, must be limited in scope and duration, *i.e.*, only until such time as the perceived threat to safety is abated. For example, a commander who believes that a soldier is too tired or otherwise physically incapable of driving, may order that soldier not to drive but only until the soldier has been sufficiently rested or until the physical incapacitation is resolved. Commanders may not use this authority as a form of punishment for an act unrelated to the prevention of an unsafe act.

Commanders who have questions on this subject should contact their Trial Counsel or the 21st TSC OSJA's Criminal Law Division at DSN 484-8311.

Individuals who are concerned about the possibility of losing driving privileges should contact the Kaiserslautern Legal Service Center's Legal Assistance Office at DSN 483-8848, and ask for an appointment to see a Legal Assistance Attorney.

*This article was based in part on an information paper posted on [www.jagcnet.army.mil](http://www.jagcnet.army.mil).*